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7 COMPANY LP; MORDECAI WICZYK; ASIF
8 SATCHU; SONY PICTURES
9 ENTERTAINMENT INC.; ARIEL EMANUEL;
10 and NEILL BLOMKAMP

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

13 STEVE WILSON BRIGGS,

14 Plaintiff,

15 vs.

16 UNIVERSAL CITY STUDIOS LLC, et al.,

17 Defendants.

Case No. 3:17-CV-6552-VC

[Hon. Vince Chhabria]

**OPPOSITION TO PLAINTIFF'S SECOND
MOTION FOR SANCTIONS**

Date: March 15, 2018

Time: 10:00 a.m.

Crtrm.: 4

Trial Date: None Set

MEMORANDUM OF POINTS AND AUTHORITIES

The Second Motion for Sanctions filed by Plaintiff Steve Wilson Briggs, like the first, is itself a Rule 11 violation; it is yet another waste of this Court's and the parties' resources; and it should be summarily denied.

Rule 11(c)(2) of the Federal Rules of Civil Procedure provides a procedure that a litigant must follow in seeking sanctions. The motion must be served without being filed; the party against whom sanctions are sought must be provided 21 days to withdraw or correct the allegedly offending document; and the proponent of sanctions may only file the motion thereafter. Fed. R. Civ. P. 11(c)(2). None of those procedures have been followed, and so the motion is procedurally improper. *See* Declaration of Gregory Korn ¶ 2.

Substantively, moreover, the motion is frivolous. Plaintiff takes issue with the fact that one set of defendants represented by one law firm and a second set of defendants represented by a second law firm filed their own motions to dismiss. There is nothing untoward in defense counsel doing so, particularly where, as here, the various defendants have their own unique concerns regarding, *inter alia*, (1) Plaintiff's attempt to relitigate claims against them that he has litigated and lost before, and (2) the lack of allegations supporting the defendants' liability for the asserted claims.

Plaintiff's motion should be denied in its entirety.

DATED: February 22, 2018

Respectfully submitted,

KINSELLA WEITZMAN ISER
KUMP & ALDISERT LLP

By: /s/ Gregory Korn
Gregory P. Korn
Attorneys for MRC II DISTRIBUTION
COMPANY LP; MORDECAI WICZYK; ASIF
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DECLARATION OF GREGORY P. KORN

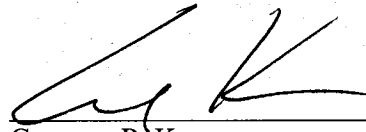
I, Gregory P. Korn, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Kinsella Weitzman Iser Kump & Aldisert LLP, attorneys of record for MRC II DISTRIBUTION COMPANY LP; MORDECAI WICZYK; ASIF SATCHU; SONY PICTURES ENTERTAINMENT INC.; ARIEL EMANUEL; and NEILL BLOMKAMP. If called as a witness, I could and would competently testify to all the facts within my personal knowledge except where stated upon information and belief.

2. Plaintiff's Second Motion for Sanctions was not served on me or my clients prior to it being filed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 22, 2018, at Santa Monica, California.



Gregory P. Korn

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